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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

Case No. 5:20-cv-03664-YGR-SVK

**DECLARATION OF NOELLE
KVASNOSKY LUITEN IN SUPPORT OF
GOOGLE'S ASSERTION OF PRIVILEGE**

Referral: Hon. Susan van Keulen, USMJ

GOOGLE LLC,
Defendant.

I, Noelle Kvasnosky Luiten, declare as follows:

1. I am a member of the Bar of Washington and Senior Product Counsel for Google LLC ("Google"). I have been employed at Google as an in-house attorney since 2011. I do not hold any other titles at or perform other duties for Google outside of the scope of my employment as Senior Product Counsel. Prior to my employment at Google, I was an associate at the law firm of Davis Wright Tremaine LLP from 2007 to 2011. I make this declaration of my own personal, firsthand knowledge, and if called as a witness, I could and would testify competently thereto.

2. In my role as Senior Product Counsel at Google, I am responsible for providing legal advice to non-attorneys regarding, *inter alia*, Google's public disclosures regarding Google's Chrome browser. I frequently review technical design documents regarding the Chrome browser's disclosures to users in order to (i) further Google's compliance with relevant privacy laws; (ii) further Google's compliance with legal obligations related to its public disclosures regarding user data and (iii) mitigate the risk of litigation by private litigants or regulatory agencies under various laws, including consumer protection and competition statutes.

3. I am familiar with and was directly involved in reviewing and contributing to GOOG-CABR-05766200.

4. I understand that the “Considerations . . . legal” section of GOOG-CABR-05766200 (at -202) has been redacted and withheld from disclosure.

5. In my role as Senior Product Counsel, I was asked to provide my legal advice in the “Considerations . . . legal” section (at -202) regarding Google’s public disclosures. I provided my legal advice to further compliance with privacy laws and mitigate the risk of private litigation associated with these statements under consumer protection statutes and other laws. Further, I provided my legal opinion on the privacy regulations to which Google is subject, within the context of Google’s existing disclosures and statements, to mitigate the risk of regulatory enforcement actions relating thereto.

6. I understand that the “Considerations . . . privacy” and “Privacy review guidance” sections of GOOG-CABR-05766200 (at -202-03) have been redacted and withheld from disclosure.

7. The “Considerations . . . privacy” and “Privacy review guidance” sections of GOOG-CABR-05766200 (at -202-03) were prepared by Google non-attorneys working in close collaboration with me. These sections reflect and incorporate my legal advice regarding Google’s public disclosures and a proposed technical implementation relating thereto.

8. It is and was my understanding that the redacted communications noted above were confidential, privileged within Google, and were transmitted for the purposes of seeking and providing legal advice.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed in Seattle, Washington on March 14, 2022.

DATED: March 14, 2022

DocuSigned by:
By Noelle Kvasnosky Luiten
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Noelle Kvasnosky Luiten